

AMENDED IN ASSEMBLY MAY 14, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1080

Introduced by Assembly Member Skinner
(Coauthors: Assembly Members Ammiano and Torlakson)

February 27, 2009

An act to add Section 17535.5 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1080, as amended, Skinner. School facilities: rent or lease: vacant classrooms.

(1) Existing law authorizes the governing board of a school district to enter into agreements to make vacant classrooms or other space in operating school buildings available for rent or lease to other school districts, educational agencies, except private educational institutions that maintain kindergarten or grades 1 to 12, inclusive, governmental units, nonprofit organizations, community agencies, professional agencies, commercial and noncommercial firms, corporations, partnerships, businesses, and individuals, including during normal school hours if the school is in session.

This bill, notwithstanding the provision above, would authorize the governing board of the Emery Unified School District, upon a $\frac{2}{3}$ vote, to enter into a joint-use, joint-ownership agreement with a governmental agency whereby a new school and community services facility would be constructed on land owned by the school district.

(2) The California Constitution provides that a special statute is invalid in any case if a general statute can be made applicable.

This bill would declare that, due to unique circumstances applicable only to the Emery Unified School District, as set forth in the bill, a general statute cannot be made applicable and a special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: no.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17535.5 is added to the Education Code,
 2 to read:

3 17535.5. (a) Notwithstanding any other provision of this
 4 article, the governing board of the Emery Unified School District,
 5 upon a two-thirds vote, may enter into a joint-use, joint-ownership
 6 agreement with a governmental agency whereby a new school and
 7 community services facility is constructed on land owned by the
 8 school district. The agreement shall specify all of the following:

9 (1) The school district shall retain full ownership of the land
 10 upon which the facilities are constructed.

11 (2) There is a demonstrated need for the joint ownership of the
 12 facilities.

13 (3) The joint ownership of the facilities shall be compatible with
 14 the educational purposes of those facilities.

15 (4) Parameters are set for the degree and nature of the joint
 16 ownership of the facilities, *including a plan to ensure pupil safety.*

17 (5) *If the property is sold, the school district shall retain from*
 18 *the proceeds of the sale, at the minimum, an amount equivalent to*
 19 *any state school facilities bond funds received by the district.*

20 (b) The space and use limitations of Sections 17531 and 17532
 21 do not apply to facilities constructed under an agreement entered
 22 into pursuant to this section.

23 SEC. 2. The Legislature finds and declares that a special law
 24 is necessary and that a general law cannot be made applicable
 25 within the meaning of Section 16 of Article IV of the California
 26 Constitution because of the unique circumstances of the Emery
 27 Unified School District. The facts constituting the special
 28 circumstances that distinguish the Emery Unified School District
 29 from other school districts are the high degree of integration

- 1 between the community and educational services of the joint-use
- 2 facilities to be constructed pursuant to this legislation.

O